



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 22, 1994

Ms. Tracy R. Briggs  
Assistant City Attorney  
City of Houston  
Legal Department  
P.O. Box 1562  
Houston, Texas 77251-1562

OR94-578

Dear Ms. Briggs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26761.

The City of Houston Police Department has received a request for department reports on a certain incident for which the department's investigation is still pending. You say that the department has released the "public release" portion of the reports in question but wishes to withhold the rest of the requested information on the basis of the "law enforcement" exception, section 552.108. Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . .
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

We have examined the information at issue. Assuming that the department has released, as the "public release" part of the requested information, "first page offense report" material, which the *Houston Chronicle* court held to be open, we conclude that you may withhold the rest of the requested information under section 552.108. See Open Records Decision No. 127 (1976) and *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



William Walker  
Assistant Attorney General  
Open Government Section

WMW/MAR/rho

Ref.: ID#26761

Enclosures: Submitted documents

cc: Mr. George O. Jacobs  
Attorney at law  
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Houston, Texas 77056  
(w/o enclosures)